

Regular Session, 2011

HOUSE BILL NO. 329

BY REPRESENTATIVE STIAES

LAW ENFORCEMENT: Provides procedures for the investigation of officers and employees by the NOPD Public Integrity Bureau

1 AN ACT

2 To amend and reenact R.S. 40:2531(B)(7), relative to investigations of law enforcement
3 officers; to provide relative to investigations by the New Orleans Police Department
4 Public Integrity Bureau; to provide for the time period in which investigations shall
5 be conducted; to provide relative to additional evidence; and to provide for related
6 matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 of the Constitution of
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:2531(B)(7) is hereby amended and reenacted to read as follows:
12 2531. Applicability; minimum standards during investigation; penalties for failure
13 to comply

14 * * *

15 B. Whenever a police employee or law enforcement officer is under
16 investigation, the following minimum standards shall apply:

17 * * *

18 (7)(a) ~~When~~ Except as otherwise provided for in Subparagraph (b) of this
19 Paragraph, a formal and written complaint is made against any police employee or
20 law enforcement officer, the superintendent of state police or the chief of police or

1 his authorized representative shall initiate an investigation within fourteen days of
2 the date the complaint is made. Except as otherwise provided in this Paragraph, each
3 investigation of a police employee or law enforcement officer which is conducted
4 under the provisions of this Chapter shall be completed within sixty days. However,
5 in each municipality which is subject to a Municipal Fire and Police Civil Service
6 law, the municipal police department may petition the Municipal Fire and Police
7 Civil Service Board for an extension of the time within which to complete the
8 investigation. The board shall set the matter for hearing and shall provide notice of
9 the hearing to the police employee or law enforcement officer who is under
10 investigation. The police employee or law enforcement officer who is under
11 investigation shall have the right to attend the hearing and to present evidence and
12 arguments against the extension. If the board finds that the municipal police
13 department has shown good cause for the granting of an extension of time within
14 which to complete the investigation, the board shall grant an extension of up to sixty
15 days. Nothing contained in this Paragraph shall be construed to prohibit the police
16 employee or law enforcement officer under investigation and the appointing
17 authority from entering into a written agreement extending the investigation for up
18 to an additional sixty days. The investigation shall be considered complete upon
19 notice to the police employee or law enforcement officer under investigation of a
20 pre-disciplinary hearing or a determination of an unfounded or unsustained
21 complaint. Further, nothing in this Paragraph shall limit any investigation of alleged
22 criminal activity.

23 (b) An investigation of an officer or employee of the New Orleans Police
24 Department by the New Orleans Police Department Public Integrity Bureau shall be
25 completed within one hundred sixty days. The New Orleans Police Department
26 Public Integrity Bureau may extend the investigation for an additional sixty days
27 when necessary. All other applicable provisions of Subparagraph (a) of this
28 Paragraph shall apply to investigations conducted by the New Orleans Police
29 Department Public Integrity Bureau.

1 (c) If additional evidence is discovered during the course of an investigation
2 or following an investigation, the New Orleans Police Department Public Integrity
3 Bureau shall make a determination of whether the additional evidence shall be used
4 to conduct an additional investigation, open a new investigation, or considered
5 during an ongoing investigation.

6 * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Stiaes

HB No. 329

Abstract: Extends the time that the NOPD Public Integrity Bureau has to complete an investigation of law enforcement officers and provides procedures involving the discovery of additional evidence.

Present law provides procedures for the investigation of law enforcement officers who have complaints filed against them.

Present law provides that each investigation of a police employee or law enforcement officer shall be completed within 60 days and provides for a 60-day extension of the investigation.

Proposed law extends this time period for NOPD Public Integrity Bureau investigations from 60 days with one extension to 160 days with one extension and otherwise retains present law.

Proposed law provides that if additional evidence is discovered, the NOPD Public Integrity Bureau shall determine whether the evidence shall be used to conduct an additional investigation, open a new investigation, or considered during an ongoing investigation.

(Amends R.S. 40:2531(B)(7))